

Matter ID: 22-30099

| | | |
|-----------------------|---|----------------------------|
| STATE OF MARYLAND | * | IN THE DISTRICT COURT FOR |
| | * | |
| | * | ANNE ARUNDEL COUNTY, |
| MARYLAND | | |
| V. | * | CASE NO. D-07-CR-22-010333 |
| | * | |
| TERANCE ALBERT FALTER | * | |

DEFENSE MOTIONS

ENTRY OF
APPEARANCE
DEMAND FOR
SPEEDY TRIAL
DEMAND FOR PRELIMINARY
HEARING MOTION TO SUPPRESS
REQUEST FOR DISCOVERY AND
INSPECTION REQUEST FOR
FORENSIC DISCOVERY DEMAND FOR
CHEMIST OR TECHNICIAN DEMAND
FOR AFFIANTS
DEMAND FOR DISCOVERY FOR VIOLATION OF PROBATION

Please enter the **Appearance** of the Office of the Public Defender as attorney for the above-named Defendant. This entry of appearance shall be deemed to incorporate by reference and include the filing of the Defendant's Omnibus Motion, pursuant to Maryland Rule 4-251, copies of which are on file with the Clerk of the Court and the Office of the State's Attorney.

The Defendant demands a **Speedy Trial** for the above-captioned matter.

If the Defendant is charged with a felony not within the jurisdiction of the District Court and entitled to a Preliminary Hearing, then the Defendant demands a **Preliminary Hearing** pursuant to Rule 4-221 .

The Defendant **moves to suppress** any and all evidence and/or statements that were illegally obtained.

The Defendant respectfully requests the State provide information pursuant to **Discovery and Inspection**, MD. RULE 4-262 , including but not limited to, full disclosure of any written or oral statement(s) of the Defendant and/or Co-defendant; the name, address, telephone number and any statements, written or oral, of all the State's witnesses; all material and information that relates to the acquisition of any such

statements; all relevant material and information relating to searches, seizures, surveillance, and pretrial identification; the name, address, subject matter, and substance of any findings or opinions of any expert with a summary of the grounds for each opinion and any reports written or relied upon by the expert; production of any expert and/or K9 certification that must be obtained in order to render such opinion; the production of all evidence, documents, and reports intended for use at trial whether intangible or physical; and production of any property obtained from the Defendant. Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), the defense demands any and all material and information which tends to negate or mitigate guilt or punishment, or which tends to impeach a State's witness, including but not limited to criminal history of and/or complaints against state witnesses. This request is not intended to act as a limitation of the responsibility of the Office of the State's Attorney to provide discovery in accordance with any other rules or laws.

Further, the Defendant requests a hard copy of any and all video and audio surveillance, body camera, dash camera, and radio recordings in the above-captioned case. The Defendant

also demands certified copies of any police reports, CAD notes, 911 calls, and other radio or otherwise recorded transmissions related to the above-captioned case.

In accordance with Rule 4-262(h), the materials requested in this Motion include any and all **Supplemental Discovery** obtained by the State's Attorney and shall be provided prior to the date of trial.

Pursuant to Maryland Rule 4-262, *Cole v. Maryland*, 378 Md. 42 (2003); *Brady v.*

Maryland, 373 U.S. 83 (1963); *Kyles v. Whitley*, 514 U.S. 419 (1995); *Giglio v. United States*, 405 U.S. 150 (1972); *United States v. Agurs*, 427 U.S. 97 (1976); and *Thomas v. State*, 372 Md. 342 (2002), the Defendant respectfully requests the following **Supplemental Forensic Discovery**:

- The Defendant demands the presence of the chemist, analyst, technician (breath, blood, fingerprint, evidence and any other relevant technician), toxicologist, expert and any person in the chain of custody at trial pursuant to Md. Code Ann., Cts & Jud. Proc. §10-304, §10-306, §10-914, §10-915, §10-1002 and §10-1003.
- A complete copy of the forensic/drug/crime laboratory's case file in the above-captioned case including but not limited to case notes, laboratory worksheets, communication logs, chain of custody documentation, net weight determination, and results from any preliminary screening tests and confirmatory tests, including but not limited to, gas chromatography {GC}, gas chromatography and mass spectrometry analysis (GC/MS), fourier transform infrared spectroscopy (FTIR), as well as any other documents generated and/or relied upon in the examination of any samples in this case. This

request includes any reference standards, controls and performance checks utilized in the testing process.

- Any other information, in the form of documentation or encompassed in some other manner that the crime laboratory has in its possession and/or control, or knows of and can access, regarding the analysis performed in this case or the analyst who conducting any testing in this case, including but not limited to any audit, quality assurance review, discrepancy report, and/or contamination report.
- All maintenance, calibration and tuning records pertaining to any machine used in this case for the 60-day time period before and after the analysis performed in this case.
- The standard operating procedures or protocols for any analysis performed in this case.
- The current curriculum vita for any analyst involved in the testing in this case.
- All proficiency test case files for any analyst involved in this case.
- Any past corrective action report, from any case, that identifies discrepancies in results obtained by any analyst involved in the testing and/or examination in this case.
- Any other documents and data generated and/or relied upon in connection with any technical or administrative review conducted in this case.

The Defendant demands the **presence of all Affiants** at trial pursuant to Mo. CODE ANN., CRIM. LAW§ 5 705(c)(2). The Defendant further demands the production of any statements made orally, in writing, recorded electronically, or otherwise by the Affiants.

The Defendant demands the **presence of the lawful owner of the motor vehicle** that has been allegedly operated, used or possessed without the owner's permission, pursuant to Mo. CODE ANN., CRIM. LAW§ 7-105.1(c)(2).

The Defendant, pursuant to Maryland Rule 5-902(b)(1) **objects to the admission into evidence of any and all documents without the presence and testimony of the Custodian of Records**, regardless of whether or not said documents are certified, on the ground that the sources of information or the method or circumstances of preparation indicate a lack of trustworthiness.

In violation of probation cases, the Defendant demands the **presence of any agent who filed a violation report** with the Court. Additionally, pursuant to Rule 3-421, the Defendant demands the State provide any and all materials relating to the Defendant's probation and alleged violation, including the complete case file for the Defendant maintained by the Department of Parole & Probation, including but not limited to: call logs/records, kiosk logs,

sign-in sheets, treatment provider communications, test results and agent notes. Additionally, the defendant demands all records of any probation interventions, infractions, sanction hearing outcomes and other curative measures pursuant to the Justice Reinvestment Act. Pursuant to Md. Code Ann., Cts & Jud. Proc. §10-914(f), the Defendant requests the presence of the chemist, analyst, technician, expert or any person in the chain of custody who performed any tests as to the nature, contents, or presence of any alleged controlled dangerous substance.

OFFICE OF THE PUBLIC
DEFENDER

/s/ Mary Jo Livingston

Mary Jo Livingston
CPF No. 8912180348
Supervising
Attorney
Annapolis
District Court
251 Rowe Boulevard, Room
122
Annapolis, MD 21401
maryjo.livingston@maryland.
gov
(410) 260-1327

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** on the 29th day of March, 2022, a copy of the foregoing was electronically delivered to the State's Attorney's Office via MDEC E-FILING.

/s/ Mary Jo Livingston

Mary Jo Livingston
CPF No. 8912180348